

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HAROLD GASHE,

Defendant.

No. CR07-4033-MWB

**ORDER CONCERNING  
MAGISTRATE'S REPORT AND  
RECOMMENDATION REGARDING  
DEFENDANT'S GUILTY PLEA**

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***I. INTRODUCTION AND BACKGROUND***

On June 13, 2007, a seventeen count indictment was returned against defendant Harold Gashe charging him with conspiracy to distribute 50 grams or more of methamphetamine having previously been convicted of a felony drug offense, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846, and 851, conspiracy to distribute methamphetamine having previously been convicted of a felony drug offense, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), 846, and 851, possessing, bartering and disposing of a stolen firearm, in violation of 18 U.S.C. §§ 922(j) and 924(a)(2), possession of a firearm after having been convicted of a misdemeanor crime of domestic violence, possession of a firearm by a felon, using a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1), distributing methamphetamine, having previously been convicted of a felony drug offense, violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 851, possession of a firearm by an unlawful user of controlled substances, in violation of 18 U.S.C. § 922(g)(1), 922(g)(3), 922(g)(9), and 924(a)(2), and conspiracy to use a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. §§ 924(c)(1) and 924(o). On September 18, 2007,

defendant appeared before Chief United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Counts 1, 5, 9, and 14 of the indictment. On this same date, Judge Zoss filed a Report and Recommendation in which he recommends that defendant's guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. The court, therefore, undertakes the necessary review of Judge Zoss's recommendation to accept defendant's plea in this case.

## ***II. ANALYSIS***

Pursuant to statute, this court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

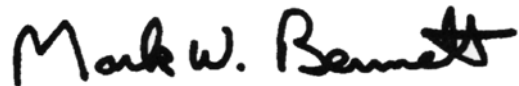
FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Zoss's findings and conclusions, that there is no ground to reject or modify them.

Therefore, the court **accepts** Judge Zoss's Report and Recommendation of September 18, 2007, and accepts defendant's plea of guilty in this case to Counts 1, 5, 9, and 14 of the indictment.

**IT IS SO ORDERED.**

**DATED** this 3rd day of October, 2007.

A handwritten signature in black ink that reads "Mark W. Bennett". The signature is written in a cursive, slightly stylized font. The first name "Mark" is written with a capital 'M' and a lowercase 'a', followed by a space, then "W." with a capital 'W' and a period, followed by another space, and finally "Bennett" with a capital 'B' and a lowercase 't'.

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MARK W. BENNETT  
U. S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA